

REMARKS

This Amendment is being filed in response to an Office Action mailed on March 8, 2007. Claims 1-11, 13-23 and 25-28 are pending in this application, of which claims 1, 4, 13, 16 and 17 are independent. The Examiner asserts that claims 1, 2, 4-5, 7-11, 13-14, 16-20, 22-23, 25-26 and 28 are rejected and claims 3, 6, 15, 21 and 27 are objected to as being dependent on rejected base claims. By this Amendment, claims 1, 4, 13, 16 and 17 have been amended and claim 31 has been added. All amendments have been made solely for the purpose of expediting prosecution, and Applicants respectfully reserve the right to file later continuation applications directed to the claims that have been canceled or amended herein. Support for the amendments and the new claim can be found in the application as originally filed, at least at paragraph [0043] and FIGS. 9-10. No new subject matter has been added. Accordingly, claims 1-11, 13-23, 25-28 and 31 remain pending in this application and are in condition for allowance. Early and favorable consideration of the present application in view of the amendments to the claims and remarks provided herein is respectfully requested.

Rejection under 35 U.S.C. §102: Hudson

Claims 1, 2, 4, 5, 7, 78, 10, 11, 13, 14, 17-19, 20, 22, 25, 26 and 28 stand rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 4,993,177 to Hudson. Without addressing the merits of the rejection, in the interest of expediting prosecution, independent claims 1, 4, 13 and 17 have been amended herein to require the card holder to be “pivotally associated with the adapter member.” Hudson, in contrast, does not teach or suggest a card holder that is pivotally associated with an adapter member. Rather, Hudson is directed to a picture frame that can be affixed to a dashboard via an adhesive or VelcroTM, or hung from the rear view mirror via a chain.

Applicants respectfully submit that Hudson does not teach or suggest the frame being pivotable, but rather teaches away from it. Once the frame is attached to the dashboard, it is fixed. In order to change the orientation of the frame, the frame and adhesive or Velcro™ must be disassociated. The frame is not pivotable, and more specifically, not pivotable with respect to the adapter member as claimed. Furthermore, whereas the Examiner cites to the “hook and loop fastener” of Hudson as corresponding to the adapter member, as Hudson states, a “hook and loop fastener” as described therein is Velcro™. One of ordinary skill in the art would understand that a frame being attached to a dashboard via Velcro™ would not be “pivotally associated with” the Velcro™.

With respect to the embodiment of Hudson wherein the frame is hung from the rear view mirror by a chain (43), the Examiner asserted that the chain (43) corresponds to the retaining member as claimed. Chain (43) is connected to the frame via a projection (46). However, the frame is not pivotally associated with the projection 46. Rather, the frame is fixed with respect to projection 46.

Regarding newly added claim 31, Hudson fails to teach or suggest providing a horizontal orientation when the cardholder is perpendicular to the retaining member.

Rejection under 35 U.S.C. §102: Gabbert

Claims 1, 2, 5, 8, 9, 11, 14, 16, 17, 20, 22, 23, 26 and 28 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,073,378 to Gabbert. Applicants respectfully point out that the claims have already been distinguished over Gabbert.

Applicants respectfully draws the Examiner’s attention to the Office Action dated January 25, 2006, wherein certain claims were rejected as being anticipated by Gabbert and other claims (4, 6, 7, 11-14, 16, 18, 19, 21, 24, 28) were indicated as being allowable and containing allowable

subject matter. In the Amendment filed June 16, 2006 in response thereto, the independent claims 1 and 17 were amended to incorporated the limitations of claims 12 and 24 which indicated as being allowable, and claims 4, 13, 16, which were also indicated as being allowable, were rewritten in independent form. In the subsequent Office Action dated September 8, 2006, the Examiner rejected the same claims again as being anticipated by Gabbert, and stated that a claim limitation “90 degrees” would be considered favorably. Claims 4, 6, 7, 11-14, 16, 18, 19, 21, 24 and 28 were once again indicated as being allowable and containing allowable subject matter. Applicants amended claims 1 and 17 to incorporate the claim limitation “90 degrees” as recommended by the Examiner and pointed out that claims 4, 13 and 16 were previously rewritten in independent form and thus were allowable.

In the outstanding Office Action, in response to the Amendment submitted on December 7, 2006, the Examiner states that “Applicant’s arguments with respect to claims 1, 4, 13, 16 and 17 have been considered but are moot in view of the new ground(s) of rejection.” However, the Examiner reiterates the rejection based on Gabbert for claims 1, 2, 5, 8, 9, 11, 14, 16, 17, 20, 22, 23, 26 and 28. Because all the claims incorporate claim limitations indicated as being allowable over Gabbert in previous Office Actions, Applicants respectfully submit that the rejection under Gabbert have already been overcome.

Nonetheless, in the interest of expediting prosecution, Applicants respectfully maintain that Gabbert fails to teach or suggest a card holder that is “pivotally associated with the adapter member” as recited in independent claims 1, 4, 13 and 17. Claim 16 has been amended herein to affirmatively recite “a cage having a filter top and a cage bottom,” which Gabbert lacks.

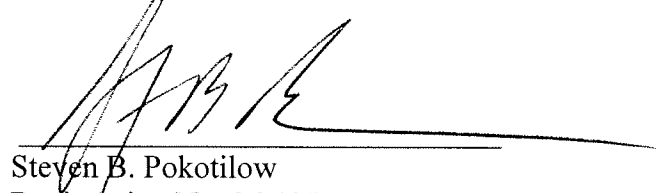
Regarding newly added claim 31, Gabbert further fails to teach or suggest providing a horizontal orientation when the cardholder is perpendicular to the retaining member.

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Responsive to Office Action dated March 8, 2007

At least for the reasons set forth above, neither Hudson nor Gabbaert teach or suggest the invention as claimed, and Applicants respectfully request withdrawal of the rejections set forth in the Office Action. Applicants respectfully submit that all outstanding rejections have been addressed and are now either overcome or moot and submit that all of the claims remaining in the application are in condition for allowance. Early and favorable action in the above-identified application is respectfully requested.

No fee is deemed necessary in connection with the filing of this Amendment. However, if any fee is required, the Examiner is hereby authorized to charge the amount of such fee to Deposit Account No. 19-4709.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'S. B. Pokotilow', is written over a horizontal line.

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